

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figures 1 and 9. This sheet, which includes Figures 1 and 9, replaces the original sheet including Figures 1 and 9.

Attachment: Replacement Sheets

REMARKS

Claims 1 and 2 have been amended to clarify the subject matter regarded as the invention. Claims 1-9 are pending.

Objections to the Specification

Replacement drawings for Figures 1A-1B and 9A-9B have been submitted and are believed to overcome the objections to the drawings. The specification has been amended to be consistent with the relabeling of Figure 1 to indicate Figures 1A and 1B.

Claim Rejections – 35 U.S.C. §112

Claims 1-9 have been amended in a manner that is believed to overcome the rejections under 35 U.S.C. §112. The rejection of claims 1-9 under 35 U.S.C. §112, first and second paragraphs, is respectfully traversed.

Claim Rejections – 35 U.S.C. §102 and/or §103

Claims 1-2 and 8-9 stand rejected under 35 U.S.C. §103 as being unpatentable over DE 3025955 (hereinafter, “Silny”) in view of U.S. Patent No. 4,535,779 (hereinafter, “Ober”). The remaining claims (i.e., claims 3-7) stand rejected under 35 U.S.C. §103 based on the combination of Silny and Ober further combined with one or more other references.

The rejection is respectfully traversed.

Claim 1 as amended recites, in relevant part, “an active electrode inserted into the cap so that the active electrode is slidable relative to the cap, the active electrode having a contactable upper surface and a latching protrusion protruded from a lower part of the active electrode that is capable of being latched onto a lower end of the cap, wherein the active electrode having the contactable upper surface is slidable relative to the cap for directly contacting a portion of a scalp of a user that is using the active dry sensor module”. The amendment to claim 1 is support at least by, for example and without limitation, page 6, line 8 – page 7, line 2 of the above-identified patent application as originally filed.

With respect to claim 1, the Office Action, notification date July 8, 2011, admits “Silny is silent on the electrode being dry” (Office Action, at page 5). The Office Action states “Ober teaches a transcutaneous electrode which is placed in contact with the skin for obtaining electrical biosignals ... with a slidable active electrode (elements 48 and 58)” (Office Action, at page 6). However, as described in Ober, the cited elements 48 and 58 are not a slidable active electrode, as Ober describes elements 48 and 58 as follows: “Cup section 58 carries conductive medium 48, which is in a preferred embodiment a sponge saturated with a conductive material such as a conductive fluid or gel.”

Accordingly, Applicants respectfully submit that “an active electrode inserted into the cap so that the active electrode is slidable relative to the cap, the active electrode having a contactable upper surface and a latching protrusion protruded from a lower part of the active electrode that is capable of being latched onto a lower end of the cap, wherein the active electrode having the contactable upper surface is slidable relative to the cap for directly contacting a portion of a scalp of a user that is using the active dry sensor module” as recited in claim 1 as amended is different than providing a “[c]up section 58 carries conductive medium 48, which is ... a sponge saturated with a conductive material such as a conductive fluid or gel” as described in Ober. Moreover, Applicants respectfully submit that Ober teaches away from the recited “active dry sensor module” as recited in claim 1 as amended.

Claims 2-9 depend from claim 1 and are therefore believed to be allowable for at least the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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/Michael J. Schallop/

Michael J. Schallop
Registration No. 44,319
V 408-207-4762
F 408-973-2595

VAN PELT, YI & JAMES LLP
10050 N. Foothill Blvd., Suite 200
Cupertino, CA 95014